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EXAMINER
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MCFADDEN, SUSAN IRIS

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 43 is objected to because of the following informalities: it is similar to claim 22. Appropriate correction is required.

### ***Response to Amendment***

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 22-40 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 22,23,35-38,40,41, and 44-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Mark (5,825,871).

In regard to claims 22,44, and 47, Mark shows a credit-card sized apparatus and method capable of receiving and processing audio signals, comprising: a power source; an audio output device; an input device capable of receiving human voice inputs; a data processing device configured to process human voice inputs received by the input device and to generate a packet of digital data indicating a result of the processing and transmission circuitry adapted to modulate an audio signal with the packet of digital data

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and transmit the modulated audio signal through the audio output device (col 47-48, col. 66, claims 1-3,13).

In regard to claim 23, Mark further shows that the audio output device comprises a device for outputting human-audible sounds (col. 66, claim 6).

In regard to claims 35,40, and 41, Mark further shows that a memory contains information related to voice patterns and wherein the data processing device is adapted to compare human voice inputs and general characteristics and word content (col. 47) to the voice patterns in the memory (col. 66, claim 6).

In regard to claims 36-38, Mark further shows that the data processing device is adapted to inherently activate an application or a data provision (or a magnetic strip) unit if a match is found in the comparison (col. 67, claim 7).

In regard to claims 45-46, Mark further shows that the packet includes user identification data and digitization of a human voice input (col. 47-48).

In regard to claims 48-49, Mark further shows that the modulated audio signal is transmitted over a telephone network and the modulated audio signal is received through a regular sound card (col. 47-48, claim 18).

***Allowable Subject Matter***

4. Claim 43 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, Mark shows it is well known to have a smart card with

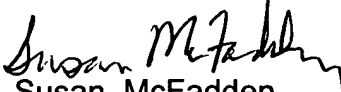
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voice processing capabilities and an audio output modulation. Mark does not show or suggest that an ultrasound signal can be transmitted through the audio output device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 571-272-7621. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Susan McFadden  
Primary Examiner  
Art Unit 2626

August 24, 2006